

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RONALD F. MARTINEZ,

Plaintiff,

v.

C. RODRIGUEZ,

Defendant.

Case No.: 1:21-cv-01495-JLT-CDB

**ORDER REGARDING PLAINTIFF'S  
REQUEST FOR SERVICE OF THE  
COMPLAINT AND ADR PROCEEDINGS**

(Doc. 39)

Plaintiff Ronald F. Martinez is appearing pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. section 1983.

**I. INTRODUCTION**

The undersigned issued Findings and Recommendations on December 19, 2024, recommending this action proceed only on Plaintiff's First Amendment retaliation claim against Defendant Rodriguez with the remaining claim or claims to be dismissed. (Doc. 38.)

On January 2, 2025, Plaintiff filed a document titled "Plaintiff's Statement of No Objections to the Magistrate Judge's Findings and Recommendations to Dismiss Certain Claims; And Request for Alternative Dispute Resolution Consideration." (Doc. 39.)

**II. DISCUSSION**

In relevant part, Plaintiff requests this Court "consider his retaliation claim against defendant Rodriguez for Alternative Dispute Resolution," stating most of his previous lawsuits

1 “resulted in settlements.” (Doc. 39 at 1.) He asks the Court to “find ADR appropriate, and order  
2 Service of the First Amended Complaint.” (*Id.* at 2.)

3 Plaintiff is advised his requests are premature. The Findings and Recommendations issued  
4 December 19, 2024, are pending final resolution by District Judge Jennifer L. Thurston. Until  
5 Judge Thurston issues her order, service of the operative complaint is improper and premature.  
6 Additionally, Plaintiff’s request for ADR is premature because the Defendant has not been  
7 served. Only after service has been effected, and an answer has been filed on behalf of the  
8 Defendant, will the Court issue an order referring this action to early ADR proceedings. Further,  
9 Plaintiff is advised that participation in early ADR proceedings is voluntary. The undersigned  
10 does not require the parties to participate in early ADR. Should either party wish to opt out of  
11 early ADR proceedings, the matter will then proceed to the discovery stage.

12 **III. CONCLUSION AND ORDER**

13 For the reasons given above, the Court **HEREBY ORDERS** that Plaintiff’s requests for  
14 service and early ADR (Doc. 39) are **DENIED** as premature.

15 IT IS SO ORDERED.

16 Dated: January 3, 2025

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19 UNITED STATES MAGISTRATE JUDGE  
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